

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**BENEFICIAL INNOVATIONS, INC.,**

*Plaintiff,*

**v.**

**AOL, LLC; ET AL.**

*Defendants.*

**Civil Action No: 2:07-CV-555 TJW-CE**

**JURY TRIAL DEMANDED**

**DEFENDANT AOL, LLC'S UNOPPOSED MOTION FOR EXTENSION OF TIME TO  
ANSWER, MOVE, OR OTHERWISE RESPOND TO PLAINTIFF'S COMPLAINT**

Defendant AOL, LLC ("AOL"), without waiving any defenses or any matters that might be presented pursuant to FEDERAL RULE OF CIVIL PROCEDURE 12(b) or any other rule or law, files this unopposed motion for extension of time in which to answer, move, or otherwise respond to Plaintiff BENEFICIAL INNOVATIONS, INC.'s Complaint and would respectfully show the Court as follows:

AOL has requested and Plaintiff has agreed to an extension of AOL's time to respond in any manner whatsoever including answer, motion, or other pleading of any type to Plaintiff's Complaint up to and including March 12, 2008.

A proposed Order granting this unopposed motion is attached for the Court's convenience.

Dated: February 11, 2008

Respectfully submitted,

/s/ Diane V. DeVasto

Diane V. DeVasto

State Bar No. 05784100

POTTER MINTON

A Professional Corporation

110 N. College, Suite 500 (75702)

P. O. Box 359

Tyler, Texas 75710

(903) 597-8311

(903) 593-0846 (Facsimile)

[dianedevasto@potterminton.com](mailto:dianedevasto@potterminton.com)

**ATTORNEYS FOR AOL, LLC**

**CERTIFICATE OF SERVICE**

I hereby certify that all counsel of record who have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this the 11<sup>th</sup> day of February 2008. Any other counsel of record will be served by first class U.S. mail on this same date.

/s/ Diane V. DeVasto